REMARKS

The Office Action, mailed August 25, 2005, considered and rejected claims 1-39. Claims 1-8, 12-18, 20-27, 30-36, and 38-39 were rejected under 35 U.S.C. 102(e) as being anticipated by Baber, et al. (U.S. Patent No. 6,546,428 B). Claims 9-10, 11, 19, 28-29, and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Baber, in view of Srinivasan, et al. (U.S. Patent No. 6,357,042 B2).[1]

Initially, Applicants would like to thank the examiner for the recent courtesies extended during the in person interview conducted on October 21, 2005. The amendments and remarks made herein are consistent with the proposals and discussions presented during the interview.

Claims 8, 16, 18, 24 and 27 have been amended to change the term "and" to the term "or" within the context of an "at least one of" claim element.[2] Claim 5 has been amended to make a list mutually inclusive and new claims 40-44 have been added to individually claim elements from claim 5. Following this paper, claims 1-4 and 6-44 remain pending. Claims 1, 13, 20 and 31 are the only independent claims at issue, with claim 1 being directed to a non-functional method, claim 13 being directed to a similar functional method, and claims 20 and 31 being directed to corresponding computer program products, respectively.

As discussed during the interview, the present invention is generally directed to embodiments for generating data streams of a specified bandwidth through the use of at least scheduling information.

As further discussed during the interview, the newly cited art (Barber) appears to be directed to a system that takes an existing data stream, segments that stream, and performs differencing operations on the segments of the stream (by replacing some segments with identifiers to previously sent data), so as to reduce the volume of data being transmitted. (Abstract)

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[1] Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, inasmuch as it is not necessary following the amendments and remarks made herein, which distinguish the claims from the art of record, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last office action, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

[2] The claim amendments have been made to provide a broader interpretation of the claims.

In this regard, Barber is contrasted with the present invention that deals with generating a stream of data of a specified bandwidth and that includes scheduling when the data that is put into the stream. In fact, Barber does not appear to have any teaching regarding generating a data stream based on scheduling information whatsoever. The only disclosure in Barber that would appear to deal with scheduling, in this regard, states that the "data stream transmission buffer is sent over the network whenever the buffer is full or the buffer is partially filled and contains the last subject of an object" (col. 9, ll. 25-29), which teaches away from the claimed scheduling.

Accordingly, for at least the foregoing reasons, as well as the others discussed during the interview, it is clear that Barber fails to teach or suggest a method or system for generating a data stream that includes: storing an identifier for at least one data source, wherein the identifier identifies a bandwidth allocation associated with requirements for broadcasting the data, and wherein the identifier is stored with scheduling information that comprises a time when the data should be added to the data stream for broadcast, and wherein the scheduling information is stored only after first checking any previously existing scheduling information to verify that adequate bandwidth is available in the data stream for adding the data to the data stream at the time specified by the scheduling information, and then adding the data to the data stream at the time specified by the scheduling information, as claimed.

In rejecting the claims, the Examiner cited to Col. 9, ll. 7-65 and Col. 15, ll. 1-50 of Barber. However, as mentioned above, and as discussed during the interview, this disclosure fails to address scheduling of any sort, let alone the scheduling of data put into a data stream as claimed.

Barber also clearly fails to teach or suggest embodiments, such as those found in previously presented claim 5 (now cancelled) and new claims 40-44, wherein the scheduling information comprises a time to begin and end broadcast of the data, a retransmission frequency, a refresh frequency, and a bandwidth allocation for the data.

In view of the foregoing, Applicants respectfully submit that the pending claims are distinguished from the art of record without amending the independent claims and that the rejections of record should be withdrawn.

Although it is not necessary to address each of the rejections to the dependent claims at this time, in view of the foregoing, a few dependent claims will be nonetheless be discussed to provide a more complete record with regard to the prosecution of those claims. It will be noted,
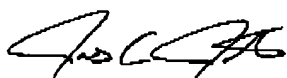
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for example, that the rejection to claim 4 (on page 5) cites to col. 27 of Barber and the rejection to claim 17 (on page 8) cites to col. 28 of Barber. However, Barber only has 22 columns, including the claims section. It is also not entirely clear what the rejections to claims 38 and 39 are. Finally, with regard to claims 3 and 39, Applicants point out that Barber clearly fails to address substreams, dedicating streams to real-time data or broadcasting the data to more clients than are intended to consume the data.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this _27_ day of October, 2005.

Respectfully submitted,

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